

SIKKIM

GOVERNMENT GAZETTE



EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok

Thursday 14th March, 2013

No. 115

GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADM. REFORMS, TRAINING AND
PUBLIC GRIEVANCES - GANGTOK

No. 105/GEN/DOP

Dated: 6/3/2013

NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and in supersession of notification number 12/GEN/DOP dated 17.04.2001, the Governor of Sikkim hereby makes the following rules, namely:-

1. Short title and commencement:-

- (1) These rules may be called Sikkim State Information Technology Service Rules, 2013.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definition:

In these rules, unless the context otherwise require:-

- (a) "appointed day" means the date from which the provisions of these rules shall come into force;
- (b) "Commission" means the Sikkim Public Service Commission;
- (c) "Committee" means the Committee constituted under rule 8;
- (d) "Cadre post" means any of the post specified in Schedule 1;
- (e) "Controlling authority" means the Government in the Department of Personnel, Administrative Reforms and Training;
- (f) "Government" means the State Government of Sikkim;
- (g) "Governor" means the Governor of Sikkim;
- (h) "member of service" means a person who is appointed to the service in accordance with the provisions of these rules;
- (i) "service" means the Sikkim State Information Technology Service.
- (j) "Schedule" means the Schedule appended to these rules.
- (k) "year" means 12(Twelve) months reckoned according to the English Calendar.

3. Constitution of Service.-

- (1) There shall be constituted a service called the Sikkim State Information Technology Service consisting of persons appointed to the service under rules 6 and 7.
- (2) The authorized strength and composition of the service shall be as indicated in **Schedule I** at the initial constitution and shall be as such as may be determined by the Governor from time to time.
- (3) The grade and the scales of pay attached to the cadre posts shall be as such as may be specified in **Schedule –II**.

4. Members of the Service:-

- (1) The followings persons shall be the member of the service namely:-
 - (a) persons appointed under rule 6; and
 - (b) persons appointed under rule 7.
- (2) A persons appointed under clause (a) of sub-rule (1) shall on such appointment be deemed to be a member of the service in the appropriate grade applicable to him in **Schedule I**.
 1. A person appointed under clause (b) of sub-rule (1) shall be member of the service in the appropriate Grade applicable to him in **Schedule I** from the date of such appointment.

5. Appointment and Posting.-

- (1) All appointment to the cadre post after the appointed day shall be made by the Governor by one or the other methods as specified in rule 7 and save as provided in sub-rule (2) and (3), no cadre post shall be filled otherwise than by a member of the service.
- (2) Any cadre post may be filled up as temporary measure by a person from another department of the Government having the requisite qualification and experience on deputation if the Government is satisfied that there is no suitable member of the service available for filling the post.
- (3) Notwithstanding anything contained in sub-rules (1) and (2), the Government shall have the right to fill up any cadre post by obtaining officers of similar service on deputation from the Central or other State Government for any period of time.
- (4) A member of the service may, in public interest, be posted by Government to any post under the Government outside the service or any other Government or under and organization on such terms and conditions as may be specified by the Government.

6. Initial Constitution of the Service.-

All persons holding, on the appointed day, any of the cadre posts, otherwise than as a purely temporary arrangement or on contract or on deputation from Central or any other Government shall be deemed to have appointed to the corresponding post and grades in the service.

7. Method of recruitment:-

(1) Recruitment to the service shall, with effect from the appointed day, be by the following methods, namely:-

- (a) competitive examination to be held by the Commission;
 - (b) promotion from among persons holding substantive appointment in the highest grade in the Sikkim State Subordinate Information Technology Service.
- (2) The proportion of vacancies to be filled in any year in accordance with clauses (a) and (b) of sub-rule (1) shall be 50:50, respectively:

Provided that the number of persons recruited under clause (b) of sub-rule (1) shall not at any time exceed 50% of the total strength of service.

- (3) The recruitment to the service through the method prescribed under sub-rule (1) shall be in the cadre posts in the junior grade of the service.
- (4) Notwithstanding anything contained in sub-rule (2), if in the opinion of the Government the exigencies of the service so require, it may, after consultation with the Commission, adopt such method of induction to the service other than specified in the said sub-rule as it may by notification in this behalf specify.

8. Recruitment by Promotion.-

(1) There shall be a Selection Committee consisting of the following for the purpose of selection of persons falling under clause (b) of sub-rule (1) of rule 7, namely:-

- (a) Chairman, Sikkim Public Service Commission;
- (b) Member, Sikkim Public Service Commission;
- (c) Secretary to the Government in the Department of Personnel, Administrative Reforms and Training;
- (d) Secretary to the Government in the Department of Information Technology Department;
- (e) Secretary to the Government to be nominated by the Government.

The Commission may keep any other suitable expert/advisor.

- (2) The Chairman or where the Chairman is unable to attend, the Member of the Commission shall preside over the meeting of the Committee. The absence of a member other than the Chairman or Member of the Commission shall not invalidate the proceeding of the Committee if more than half the members of the Committee had attended its meeting.
- (3) The Government shall, every year, for the purpose of recruitment to the service by promotion under clause (b) of sub-rule (1) of rule 7, prepare a list of names of eligible persons in order of seniority who have on the first day of the year completed not less than 6(six) years continuous service under the Government in a post in the highest Grade of the Sikkim State Subordinate Information Technology Service.
- (4) The number of candidates to be included in the list prepared under sub-rule (3) shall not exceed 5(five) times the number of vacancies anticipated:

Provided that such restriction shall be where the number of eligible persons is less than the maximum permissible number and in such a case the names of all the eligible persons shall be forwarded.

- (5) The Government shall forward to the Commission the list of persons referred to in sub-rule (3) together with their character rolls and service records of the persons included in the list for the period of service required for promotion indicating the anticipated number of vacancies to be filled by promotion in course of period of twelve (12) months commencing from the date of preparation of the list.
- (6) The Commission shall prepare a final list of persons who are found to be suitable for promotion to the service in overall relative assessment of their character rolls, service records and interview.
- (7) The number of persons to be included in the final list shall not exceed twice the number of vacancies to be filled by promotion.
- (8) The commissions shall forward the final list prepared under sub-rule (6) to the Government along with the character rolls and service records received from the Government.
- (9) The list shall ordinarily be in force for a period of 12(twelve) months from the date of the recommendation of the Commission.
- (10) Appointment by promotion of persons included in the final list to the service shall be made by the Government in order in which the names of persons appear in the list for the time being in the force.
- (11) It shall not be ordinarily necessary to consult the Commission before such appointment is made unless during the period intervening between the inclusion of the names of the persons in the list and the date of proposed appointment, there occurs deterioration in the work of the person which in the opinion the Government is such as to render him unsuitable for appointment by promotion to the service.

9. Recruitment by competitive examination.-

- (1) A Competitive examination for recruitment to the service shall be held at such intervals as the Government may, from time to time, determine.
- (2) The examination shall be conducted by the Commission in accordance with such rules and syllabus as the Government may, from time to time, make in consultation with the Commission.
- (3) Of the number of vacancies to be filled up on the results of each examination, there shall be reservation in favour of candidates belonging to Scheduled Castes, Scheduled Tribe and such other backward communities or special category of candidates to the extent and Subject to the conditions as the Government may, from time to time, specify.
- (4) Subject to sub-rule (3), the Commission shall forward to the Government a list arranged in order of merit of the candidates who have qualified by such standards as the Commission may determine.
- (5) The inclusion of a candidate's name in the list prepared under sub-rule (4) shall confer no right to appointment to the Service.

10. Conditions of eligibility for appearing at the competitive examination.-

(1) In order to be eligible to compete at the competitive examination, a candidate must satisfy the following conditions, namely:-

- (a) Minimum educational qualification – A Bachelor of Engineering Degree in Computer Science or Information technology or Electronic or Electronic Telecommunication or full time course in Master in Computer Application or full time course in Master of Science in Information Technology from a recognized and

All India Council of Technical Education (AICTE) approved University.

- (b) Should have attained the age of 21(twenty one) years but should not have attained the age of 30(thirty) years on the first day of the year of advertisement. The maximum age limit may be relaxed in the case of candidates belonging to Scheduled Caste or Scheduled Tribe or other backward classes or special category in accordance with the orders issued by the Government in this behalf from time to time.
- (c) Any other condition that may be specified by the Government.
- (d) Must pay the fees, if any, specified by the Commission.

11. Attempt at the examination.- No candidate shall be permitted to compete more than three times at the competitive examination.

Note.- A candidate shall be deemed to have competed at the examination if he actually appears in any one or more subjects.

12. Disqualification.- Any attempt on the part of the candidate to obtain support for his candidature by any means shall render him liable to be disqualified for admission to the competitive examination by the Commission.

13. Commission's decision final.- The decision of the Commission as to the eligibility or otherwise of a candidate for admission to the examination shall be final. A candidate whom certificate for admission to the examination has not been issued by the Commission shall not be admitted to the examination.

14. Disqualification for appointment on ground of plural marriage.-

No persons,-

- (a) who has entered into or contracted marriage with a person having a spouse living, or
- (b) who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law or customs applicable to such person and other party to the marriage, exempt any person from the operation of these rules.

15. Penalty for Impersonation etc.- A candidate who is or has been declared by the Commission guilty of impersonation or of submitting false or fabricated document which have been tampered with or making statements which are incorrect or false or of suppressing material information or of using of attempting to use unfair means in the examination hall or otherwise resorting to any other irregular or

improper means for obtaining admission to the examination may, in addition to rendering himself liable to a criminal prosecution, be debarred either permanently or for a specified period, -

- (a) by the Commission from admission to any examination or appearing at any interview held by the Commission for selection of candidates, and
- (b) by the Government from employment under the Government.

16. Disqualification for appointment on medical ground.- No candidate shall be appointed to the service who after such medical examination as the Government may prescribe is not found to be physically and mentally fit and free from any mental or physical defect likely to interfere with the discharge of the duties of the service.

17. Probation.-

- (1) Every person recruited to the service shall be on probation for a period of 1(one) year,
- (2) The Government may, if it so thinks fit, extend the period of probation for a period not exceeding 1(one) year.

18. Discharge of probationer.-

A probationer shall be liable to be discharged from the service or reverted to his substantive post in the lower grade or service if, -

- (a) the Government is satisfied that the probationer was ineligible for recruitment to the service or is unsuitable for being a member of the service; or
- (b) he fails to comply with any of the provisions of these rules.

19. Confirmation.-

Where a probationer has completed his period of probation to the satisfaction of the Government he/she shall subject to the other provisions of these rules be confirmed in the service at the end of his /her period of probation.

20. Seniority.-

The inter-se-seniority of the members of the service shall be determined in accordance with the Sikkim State Service (Regulation of Seniority) Rules, 1980, as amended from time to time.

21. Promotion from one Grade to another in the service.-

- (1) The Committee constituted under rule 8 shall also be the Committee for the purpose of promotion of the members of the service to higher grades of the service.
- (2) The Chairman or where the Chairman is unable to attend, the Member of the Commission shall preside over the meeting of the Committee. The absence of the Chairman or the Member of the Commission shall not invalidate the proceedings of the Committee if more than half the members of the Committee have attended its meeting.
- (3) The Government shall, from time to time, for the purpose of sub-rule (1) prepare a list of names of the members of the service in order of seniority who have completed the prescribed length of service as indicated in Schedule I column 6 for promotion to the next higher grade on the first day of the year.

- (4) The Government shall forward to the Commission the list prepared under sub-rule (3) along with the Character Rolls and service records of the periods the member of the service has to complete to become eligible for promotion indicating the anticipated number of vacancies to be filled by promotion in course of period of twelve months commencing from the date of preparation of the list.
- (5) The Committee, after satisfying themselves that the records and the information complete in all respect have been received, shall convene the meeting of the Committee. The Committee shall prepare a final list of the officers who are found suitable for promotions.
- (6) The number of persons to be included in the list shall not exceed twice the number of vacancies to be filled by promotions.
- (7) The Commission shall forward the final list prepared under sub-rule (5) to the Government along with Character Rolls and service records received from the Government.
- (8) The list shall ordinarily be in force for a period of twelve months from the date of recommendation of Commission.
- (9) Promotion of the persons included in the list to the relevant grade shall be made by the Government against the existing vacancies in the order in which their names appear in the list.
- (10) It shall not be ordinarily necessary to consult the Commission before such promotion is made unless during the period of 12(twelve) months from the date of recommendation of the Commission there occurs deterioration in the work of the members of the service which in the opinion of the Government is such as to render him unsuitable for promotion.

22. Administrative Control.-

- (1) The control over the service including appointment, transfer and deputation shall vest with the Government in the Department of Personnel, Administrative Reforms and Training.
- (2) The headquarters of a members of the service shall not be changed save with the concurrence of the Department of Personnel, Administrative Reforms and Training.
- (3) A member of the service shall not be transferred outside the service or any other Government or an organization save with the concurrence of the Department of Personnel, Administrative Reforms and Training.

23. Residuary Matters, -

All other matters in relation to the service not specified or for which no provision have been made in these rules shall be regulated by rules and orders applicable to other officers of the Government having equivalent status.

24. Interpretation.-

If any question arises as to the interpretation of these rules, the decision of the Government thereon shall be final.

25. Power to relax.-

Where the Government is of the opinion that it is necessary or expedient to do so, it may by order for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons or cadre posts.

BY ORDER AND IN THE NAME OF THE GOVERNOR

**K.T. CHANKAPA, IAS
COMMISSIONER-CUM-SECRETARY TO THE GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADM. REFORM TRG. &PUBLIC GRIEVANCES**

SCHEDULE I

[See rule 3(2)]

COMPOSITION AND STRENGTH OF SIKKIM STATE INFORMATION TECHNOLOGY SERVICE.

Sl No.	Designation of the post	Total No. of Post	Grade
1	DUTY POST (a) Assistant Director (b) Deputy Director (c) Joint Director (d) Additional Director (e) Director	22 05 01 01 01	Junior Grade Senior Grade Selection Grade II Selection Grade I Super time Grade
	Total	30	
2.	Deputation reserve (20% of 40)	06	
3.	Training reserve (15% of 40)	05	
4.	Leave reserve (5% of 40)	02	
	Total authorized strength	43	

SCHEDULE II

[See rule 3(3)]

GRADE AND SCALE OF PAY OF THE CADRE POSTS OF THE SIKKIM STATE INFORMATION TECHNOLOGY SERVICE.

1. **Junior Grade : PB-2 Rs. 9300 - 34800+Grade Pay Rs.5000**
This shall be the scale of pay for the cadre posts in Junior Grade as specified in Schedule I.
2. **Senior Grade : PB-3 Rs. 15600 - 39100+Grade Pay Rs.6200**
 - (a) This shall be the scale of pay for the cadre posts in Senior Grade as specified in Schedule I.
 - (b) No officer from the Junior Grade shall be considered for promotion to Senior Grade unless he has put in 6(six) years of service in the Junior Grade and promotion shall be subject to availability of vacancy in the Senior Grade.
3. **Selection Grade II: PB-3 Rs. 15600 - 39100+Grade Pay Rs.7200**
 - (a) This shall be the scale of pay for the cadre post in Selection Grade II as specified in Schedule I.
 - (b) No officer from the Senior Grade shall be considered for promotion to Selection Grade II unless he has put in 6 (six) years of service in the Senior Grade and promotion shall be subject to availability of vacancy in the Selection Grade II.
4. **Selection Grade I : PB-3 Rs. 15600 - 39100+Grade Pay Rs.8700**
 - (a) This shall be the scale of pay for the cadre post in Selection Grade I as specified in Schedule I.
 - (b) No officer from the Selection Grade II shall be considered for promotion to Selection Grade I unless he has put in 4(four) years of service in the Selection Grade II and promotion shall be subject to availability of vacancy in the Selection Grade I.
5. **Supertime Grade II : PB-4 Rs. 32000 - 60000+Grade Pay Rs.9000**
 - (a) This shall be the scale of pay for the cadre post in Supertime Grade II as specified in Schedule I.
 - (b) No officer from the Selection Grade-I shall be considered for promotion to Supertime Grade II unless he has put in 4(four) years of service in the Selection Grade I and promotion shall be subject to availability of vacancy in the Supertime Grade II.
6. **Supertime Grade I : PB-5 Rs. 37400 - 67000+Grade Pay Rs.9500**
 - (a) This shall be the scale of pay for the cadre post in Supertime Grade I as specified in Schedule I.
 - (b) No officer from the Senior Grade shall be considered for promotion to Supertime Grade I unless he has put in 2(two) years of service in the Supertime Grade II and promotion shall be subject to availability of vacancy in the Supertime Grade I.